

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NEW PARADIGM PROMOTIONAL  
MARKETING, INC.,

Plaintiffs,

v

CASE NO: 14-11320

HON. JOHN CORBETT O'MEARA

ACF GLOBAL IMPORTS LLC,  
A New Hampshire limited liability company,  
ALL CUSTOM FOCUS GLOBAL IMPORTS,  
LLC., a California limited liability company,  
DHAMEJA R. KUMAR, an individual,  
PETER NORMAND, an individual,  
jointly and several,

Defendants.

---

Powell Murphy  
By: Steven C. Powell (P39433)  
Keith M. Murphy (P47175)  
Attorneys for Plaintiff  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304  
Tel: (248) 723-4390  
Fax: (248) 723-4391  
[sepowell@powellmurphylaw.com](mailto:sepowell@powellmurphylaw.com)  
[kmurphy@powellmurphylaw.com](mailto:kmurphy@powellmurphylaw.com)

Barry A. Wolf, Attorney at Law, PLLC  
By: Barry A. Wolf (P40709)  
Attorney for Defendants  
Mott Foundation Building  
503 S. Saginaw Street, Suite 1410  
Flint, MI 48502  
Tel: (810) 762-1084  
Fax: (810) 244-1650  
[bwolf718@msn.com](mailto:bwolf718@msn.com)

Loyst Fletcher, Jr. & Associates  
By: Loyst Fletcher, Jr. (P29799)  
Attorney for Peter Normand  
718 Beach Street  
Flint, MI 48502  
Tel: (810) 238-4410  
Fax: (810) 238-0726  
[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)

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**DEFENDANT PETER NORMAND'S MOTION TO COMPEL THE DEPOSITION OF  
KEY EMPLOYEES OF PLAINTIFF AND TO EXTEND DISCOVERY DEADLINE**

NOW COMES Defendant PETER NORMAND, by and through his attorneys, Loyst Fletcher, Jr. & Associates, and for their MOTION PER FRCP 37(a) TO TAKE DEPOSITION states as follows:

- (1) This case was filed in this Court March 2014.
- (2) Among the Defendants were ACF Global Imports, LLC (ACF), All Custom Focus Global Imports, LLC (ACF) and DHAMEJA R. KUMAR (Kumar).
- (3) On information and belief, Kumar owns and/or controlled both AFC and ACF.
- (4) Defendant Peter Normand at the time was a sales person employee of AFC hired in 2012.
- (5) Attorney Barry Wolf was hired as the second attorney by Kumar to represent all Defendants and filed his appearance on August 15, 2014 [Docket 20].
- (6) On June 4, 2015, Barry Wolf filed a Motion to Withdraw as Attorney for all Defendants [Docket 32].
- (7) On June 16, 2015 by stipulation of all parties, Attorney Loyst Fletcher entered his appearance for Peter Normand [Docket 35].
- (8) On June 8, 2015 this Court signed an Order allowing substitution of attorney for Peter Normand [Docket 45].
- (9) Plaintiff scheduled Peter Normand's deposition in Michigan knowing he lived in Boston, Massachusetts contrary to the Court Rules.
- (10) Defendant Peter Normand filed a Motion for Protective Order on August 18, 2015 [Docket 46].

- (11) On November 9, 2015 this Court entered an Order Granting in Part an Order denying Plaintiff to fly Defendant Peter Normand to Michigan from Boston, Massachusetts.
- (12) After said Order, the parties agreed on the time and place of the deposition and which party was responsible for costs.
- (13) The Deposition was held on December 8, 2015 [Exhibit A].
- (14) On December 17, 2015 Peter Normand scheduled the Depositions of key employee and owner of Plaintiff [Exhibit B].
- (15) Attorney for Plaintiff refused to produce the Deponents using as a shield that the scheduled deposition was after the Court's Scheduling Order of March 24, 2015 [Docket 27] (Letter of Refusal January 5, 2016, Exhibit C).
- (16) Defendant Peter Normand attempted to comply with Local Rule 37.1 (See Exhibit D). This Motion follows.

Respectfully Submitted:

LOYST FLETCHER, JR. & ASSOCIATES

Dated: February 10, 2016

/s/ LOYST FLETCHER, JR.  
LOYST FLETCHER, JR. (P29799)  
Attorney for Defendant Peter Normand  
718 Beach Street  
Flint, MI 48502  
(810) 238-4410

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

/s/ LOYST FLETCHER, JR.  
LOYST FLETCHER, JR. (P29799)  
Attorney for Defendant Peter Normand  
718 Beach Street  
Flint, MI 48502  
(810) 238-4410

**IN THE UNITED STATES DISTRICT COURT  
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NEW PARADIGM PROMOTIONAL  
MARKETING, INC.,

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By: Steven C. Powell (P39433)  
Keith M. Murphy (P47175)  
Attorneys for Plaintiff  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304  
Tel: (248) 723-4390  
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[scpowell@powellmurphylaw.com](mailto:scpowell@powellmurphylaw.com)  
[kmurphy@powellmurphylaw.com](mailto:kmurphy@powellmurphylaw.com)

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By: Barry A. Wolf (P40709)  
Attorney for Defendants  
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Tel: (810) 238-4410  
Fax: (810) 238-0726  
[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)

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**DEFENDANT PETER NORMAND'S BRIEF IN SUPPORT OF MOTION TO COMPEL  
THE DEPOSITION OF KEY EMPLOYEES OF PLAINTIFF AND TO EXTEND  
DISCOVERY DEADLINE**

The reality of this case is that prior to Attorney Wolf's motion to withdraw [Docket 32], the parties were trying to settle the case. Barry Wolf represented all Defendants including Peter Normand. At paragraph no. eight (8) of Attorney Wolf's brief, he states the discovery was in its early stage (June 4, 2015). When this Court entered its Order on July 8, 2015 [Docket 45] allowing substitution of attorney, there were only thirty six (36) days before the closing of Discovery being August 14, 2015 per the Scheduling Order of March 24, 2015 [Docket 27].

Plaintiff now uses this Order as a shield and sword to deny Peter Normand justice.

### **ARGUMENT AND LAW**

The deposition of Peter Normand was held December 8, 2015. Following that deposition, Peter Normand scheduled the Deposition of Joanne Hassan and Greg Rivers, two key employees of the Plaintiff. Peter Normand is the only person as of this date that has been disposed. Prior to June of 2015, there had been little discovery as the parties were engaged in settlement. Peter Normand's attorney Barry Wolf was representing his interest as a sales employee of AFC and as the salesman that was involved in the claims of this lawsuit. When settlement efforts broke down and Barry Wolf realized there was a conflict of interest in his representing both Kumar and Normand, he requested and this Court allowed him to withdraw. The undersigned became Attorney of Record. That was the first time Peter Normand had his own attorney.

### **DISCOVERY PROCEEDINGS FOLLOWING ATTORNEY FLETCHER'S APPEARANCE**

- June 16, 2015: Stipulation for substitution of Barry Wolf with Attorney Loyst Fletcher [Docket 35]
- June 23, 2015: Defendant Peter Normand's 1<sup>st</sup> Set of Interrogatories to Plaintiff [See Proof of Service, Exhibit E]

- August 7, 2015: Plaintiff's Response to Peter Normand Request to Admit and Document Requests [Proof of Service, Exhibit F]
- November 30, 2015: Defendant Peter Normand provided more than three hundred (300) pages of Documents to Plaintiff [Cover letter, Exhibit G]
- December 7, 2015: Notice for December 8, 2015 Deposition of Peter Normand [Exhibit A]
- December 17, 2015: Notice of Plaintiff's Deposition for January 14, 2016 [Exhibit B]
- January 5, 2015: Letter from Plaintiff denying deposition for the reason notice filed after August 14, 2015, Discovery cutoff [Exhibit C]

Attorney Wolf's Reply Brief to Plaintiff's Response to Attorney Wolf's Motion to withdraw [Docket 14, 16] makes it really clear that until June of 2015, little discovery was being conducted and the parties were actively pursuing settlement.

From June until December 8, 2015, the parties engaged in active discovery. To now deny discovery to Peter Normand under the circumstances would be blatantly unfair and unjust. Under the circumstances and unique proceedings of this case, good cause has been shown per FRCP 16(b)(4). *Leary v. Daeschner* 349 F3d 888 and per FRCP 15 should be allowed. As discovery was ongoing by Plaintiff well past the cutoff it would be unjust to allow Defendant Peter Normand not to complete Discovery. There is no prejudice to the Plaintiff. Given the Discovery proceedings of this case, it appears from reading Plaintiff's denial, the denial was motivated solely by malice. There was absolutely no prejudice to the Plaintiff by continuing with the Discovery process and allowing the depositions to take place. In this case, under the procedural history of this case, Defendant Peter Normand has demonstrated "good cause" and that Plaintiff will not be prejudice.

Normand began the Discovery process less than ten (10) days after the Appearance of Attorney Loyst Fletcher. Although the amendment request is delayed, delay alone may not be enough to deny the amendment, *Moore v. City of Paducah*, 790 F.2d 557 (6<sup>th</sup> 1986).

To reject this Amendment would preclude Defendant Peter Normand from adequate trial preparation and the Discovery of much needed facts.

Accordingly, Peter Normand requests (A) an amendment of the Scheduling Order, and (B) an Order allowing Peter Normand to take depositions.

Respectfully Submitted:

Dated: February 10, 2016

LOYST FLETCHER, JR. & ASSOCIATES

/s/ LOYST FLETCHER, JR.  
LOYST FLETCHER, JR. (P29799)  
Attorney for Defendant Peter Normand  
718 Beach Street  
Flint, MI 48502  
(810) 238-4410

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

/s/ LOYST FLETCHER, JR.  
LOYST FLETCHER, JR. (P29799)  
Attorney for Defendant Peter Normand  
718 Beach Street  
Flint, MI 48502  
(810) 238-4410



**INDEX OF CASES**

*Leary v. Daeschner* 349 F.3d 888

*Moore v. City of Paducah*, 790 F.2d 557 (6<sup>th</sup> 1986)

**INDEX OF COURT RULES**

FRCP 16(b)(4)

FRCP 15

Local Rule 37.1

**INDEX OF EXHIBITS**

EXHIBIT A – Notice of Peter Normand’s Deposition of December 8, 2015

EXHIBIT B – Peter Normand’s Notice of Deposition of Plaintiff’s Employees

EXHIBIT C – Letter of Refusal of Depositions dated January 5, 2016

EXHIBIT D – Letters Pursuant to Local Rule 37.1

EXHIBIT E – Peter Normand’s 1<sup>st</sup> Set of Interrogatories to Plaintiff

EXHIBIT F – Plaintiff’s Response to Peter Normand Request to Admit and Document Requests

EXHIBIT G – Cover Letter of November 30, 2015 Providing Discovery Documents to Plaintiff

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NEW PARADIGM PROMOTIONAL  
MARKETING INC.,

Plaintiff,

CASE NO: 14-11320-JCO-MKM  
Hon. John Corbett O'Meara

v

ACF GLOBAL IMPORTS LLC,  
a New Hampshire limited liability company,  
ALL CUSTOM FOCUS GLOBAL IMPORTS,  
LLC., a California limited liability company,  
DHAMEJA R. KUMAR, an individual,  
PETER NORMAND, an individual,  
jointly and several.

Defendants.

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**NOTICE OF TAKING DEPOSITION OF PETER NORMAND**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, counsel for Plaintiff New Paradigm Promotional Marketing, Inc. will take the deposition, upon oral examination, of Peter Norman at Powell Murphy, 40701 Woodward Avenue, Suite 301, Bloomfield Hills, MI 48304 on **Tuesday, December 8, 2015 at 8:30 a.m.** and continuing day to day until completed (although not necessarily on consecutive days).

Respectfully submitted,

POWELL MURPHY



Steven C. Powell (P47175)

Powell Murphy

Attorney for Plaintiff

40701 Woodward Ave., Suite 301

Bloomfield Hills, MI 48304

248-723-4390

Dated: December 7, 2015

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NEW PARADIGM PROMOTIONAL  
MARKETING, INC.,

Plaintiffs,

v

CASE NO: 14-11320  
HON. JOHN CORBETT O'MEARA

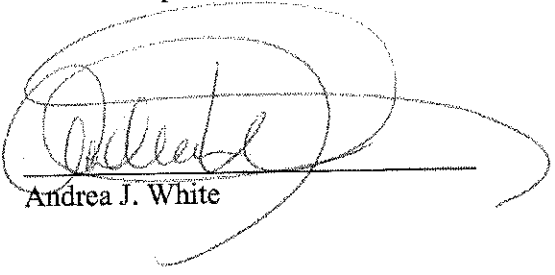
ACF GLOBAL IMPORTS LLC,  
A New Hampshire limited liability company,  
ALL CUSTOM FOCUS GLOBAL IMPORTS,  
LLC., a California limited liability company,  
DHAMEJA R. KUMAR, an individual,  
PETER NORMAND, an individual,  
jointly and several,

Defendants.

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**PROOF OF SERVICE**

The undersigned certifies and declares that on December 7, 2015, she caused to be served a copy of the Notice of Taking Deposition of Peter Normand upon counsel of record via Email.

  
Andrea J. White

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NEW PARADIGM PROMOTIONAL  
MARKETING, INC.,

Plaintiffs,

v

ACF GLOBAL IMPORTS LLC,  
A New Hampshire limited liability company,  
ALL CUSTOM FOCUS GLOBAL IMPORTS,  
LLC., a California limited liability company,  
DHAMEJA R. KUMAR, an individual,  
PETER NORMAND, an individual,  
jointly and several,

Defendants.

CASE NO: 14-11320

HON. JOHN CORBETT O'MEARA

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**NOTICE OF TAKING DEPOSITION OF GREG RIVERS**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30, counsel for Defendant Normand will take the deposition, upon oral examination of GREG RIVERS, at Powell Murphy, 40701 Woodward Avenue, Suite 301, Bloomfield Hills, MI 48304 on **Thursday, January 14, 2016 at 10 a.m.** and continuing day to day until completed (although not necessarily on consecutive days).

Respectfully Submitted:

Dated: December 17, 2015

LOYST FLETCHER, JR. & ASSOCIATES

/s/ LOYST FLETCHER, JR.  
LOYST FLETCHER, JR. (P29799)  
Attorney for Defendant Peter Normand  
718 Beach Street  
Flint, MI 48502  
(810) 238-4410

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NEW PARADIGM PROMOTIONAL  
MARKETING, INC.,

Plaintiffs,

CASE NO: 14-11320

v

HON. JOHN CORBETT O'MEARA

ACF GLOBAL IMPORTS LLC,  
A New Hampshire limited liability company,  
ALL CUSTOM FOCUS GLOBAL IMPORTS,  
LLC., a California limited liability company,  
DHAMEJA R. KUMAR, an individual,  
PETER NORMAND, an individual,  
jointly and several,

Defendants.

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**NOTICE OF TAKING DEPOSITION OF JOANNE HASSEN**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30, counsel for Defendant Normand will take the deposition, upon oral examination of JOANNE HASSEN, at Powell Murphy, 40701 Woodward Avenue, Suite 301, Bloomfield Hills, MI 48304 on **Thursday, January 14, 2016 at 12 p.m.** and continuing day to day until completed (although not necessarily on consecutive days).

Respectfully Submitted:

Dated: December 17, 2015

LOYST FLETCHER, JR. & ASSOCIATES

/s/ LOYST FLETCHER, JR.  
LOYST FLETCHER, JR. (P29799)  
Attorney for Defendant Peter Normand  
718 Beach Street  
Flint, MI 48502  
(810) 238-4410

# EXHIBIT C



(0)

**POWELL MURPHY**  
**40701 WOODWARD AVENUE, SUITE 301**  
**BLOOMFIELD HILLS, MICHIGAN 48304**

KEITH F. MURPHY

TELEPHONE: (248) 723-4390  
FACSIMILE: (248) 723-4391  
MOBILE: (248) 249-5358  
KMURPHY@POWELLMURPHYLAW.COM

January 5, 2015

**VIA EMAIL AND U.S. MAIL**

Mr. Loyst Fletcher, Jr.  
Loyst Fletcher, Jr. & Associates  
718 Beach Street  
Flint, MI 48502-1105

**RE: *New Paradigm Promotional Marketing, Inc. v ACF Global Imports, LLC, et al***  
**Case No. 14-11320-JCO-MKM**

Dear Mr. Fletcher,

We have reviewed the notice of deposition of Greg Rivers and Joanne Hassen.

Normand's deposition notices of Greg Rivers and Joanne Hassen were dated and e-mailed to my e-mail address on December 9, 2015.

The Stipulation to Adjourn Scheduling Order Dates filed March 17, 2015 extended the Discovery Cut Off to August 14, 2015. There have been no subsequent extensions of the Discovery Cut Off date.

On the other hand, Plaintiff's notice of deposition of Mr. Normand was timely and properly issued per notices of Deposition of Mr. Normand on December 23, 2014 and a re-notice of Mr. Normand's deposition on August 4, 2015.

In a motion to Compel, the Court ordered Defendant Normand to submit to deposition by December 9, 2015 Mr. Normand's deposition was in fact held as ordered by the court on December 8, 2015.

Rule 16 of the Federal Rules of Civil Procedure state that "the scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions" F.R.Civ.P. 16(b)(3)(A). In addition the Federal Rules provide that absent an agreement between the parties, "a schedule may be modified only for good cause and with the judge's consent" F.R.Civ.P 16(b)(4).

*January 5, 2016*  
*Page 2 of 2*

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Please be advised that fact discovery is simply closed in this matter and that your deposition notice is improper and ineffective.

Please contact me if you have any questions.

Sincerely,

Keith F. Murphy

Very truly yours,

POWELL MURPHY

Keith F. Murphy

Enclosure

15.12.10 fletcher ltr re response to his demand ltr.doc

# EXHIBIT D

**LOYST FLETCHER, JR. & ASSOCIATES**

ATTORNEYS AT LAW  
718 BEACH STREET  
FLINT, MI 48502-1105

PHONE: (810) 238-4410

FAX: (810) 238-0726

January 25, 2016

***Via Email***

Powell Murphy  
Attn: Keith M. Murphy  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304

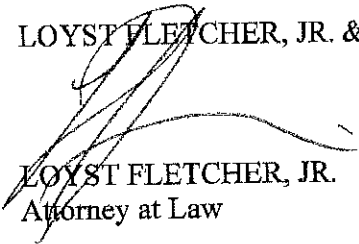
Re: New Paradigm Promotional Marketing, LLC vs. ACF Global Imports LLC et al.  
Case No: 14-11320  
Our File No: 4366

Dear Mr. Murphy,

Pursuant to Local Rule 37.1, please advise the time today you are available for a "conference" regarding the Defendant's proposed Motion to Compel the Deposition, as well as the identity of the attorneys for Peter Normand that you alleged in the Admission Responses to Admit nos. 11, 12 and 13, including the name of the attorneys that made the admission. Your answers are incomplete without that information.

Sincerely,

LOYST FLETCHER, JR. & ASSOCIATES

  
LOYST FLETCHER, JR.  
Attorney at Law

LFj/srp  
Cc: Peter Normand

**Loyst Fletcher, Jr. & Associates**

---

**From:** Keith Murphy <kmurphy@powellmurphylaw.com>  
**Sent:** Monday, January 25, 2016 6:36 PM  
**To:** Loyst Fletcher, Jr. & Associates  
**Cc:** Steve Powell  
**Subject:** Re: NEW PARADIGM PROMOTIONAL MARKETING LLC V. ACF GLOBAL IMPORTS LLC ET AL.

Mr. Fletcher,  
I have had a busy schedule all day today and could not respond to your last minute request. Let s talk tomorrow afternoon if that is convenient for you.

Best Regards,  
Keith Murphy

On Jan 25, 2016, at 10:22 AM, "Loyst Fletcher, Jr. & Associates" <[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)> wrote:

Please review and advise.

Stephanie Percy, Assistant to Loyst Fletcher, Jr., Esq.  
Loyst Fletcher, Jr. & Associates  
718 Beach Street  
Flint, Michigan 48502-1105  
(810) 238-4410

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<LTR TO OC RE MOTION 1-25-16.pdf>

**Loyst Fletcher, Jr. & Associates**

---

**From:** Keith Murphy <kmurphy@powellmurphylaw.com>  
**Sent:** Wednesday, January 27, 2016 11:14 AM  
**To:** Loyst Fletcher, Jr. & Associates  
**Cc:** Steve Powell  
**Subject:** Re: NEW PARADIGM PROMOTIONAL MARKETING LLC V. ACF GLOBAL IMPORTS LLC ET AL.

Hi Stephanie,  
Yes Thursday at 3:00 p.m. is ok for a call.

Keith

On Jan 27, 2016, at 11:06 AM, Loyst Fletcher, Jr. & Associates <[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)> wrote:

Does tomorrow, (Thursday, January 28) at 3:00pm work for you?

Please advise.

Stephanie Percy, Assistant to Loyst Fletcher, Jr.

---

**From:** Keith Murphy [<mailto:kmurphy@powellmurphylaw.com>]  
**Sent:** Tuesday, January 26, 2016 5:22 PM  
**To:** Loyst Fletcher, Jr. & Associates <[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)>  
**Cc:** Steve Powell <[scpowell@powellmurphylaw.com](mailto:scpowell@powellmurphylaw.com)>  
**Subject:** Re: NEW PARADIGM PROMOTIONAL MARKETING LLC V. ACF GLOBAL IMPORTS LLC ET AL.

Hi Loyst,  
I consider a request for a same day conference call a "last minute" request as my schedule is very tight these days. Are you available now for a call? If not I am available for a call on Thursday January 28, 2016 in morning from 9:00 a.m. through 11:30 a.m. or any time Thursday afternoon. Also available on Friday the 29th from 10:30 through 4:00 p.m. Please let me know what works best for you.  
Keith Murphy

On Jan 26, 2016, at 8:25 AM, "Loyst Fletcher, Jr. & Associates" <[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)> wrote:

First, the request was by email at 10:22am, not last minute. Your response was after hours at 6:36pm. Per your request, again I request that you please give me times you are available for the conference.

Loyst Fletcher

**From:** Keith Murphy [mailto:kmurphy@powellmurphylaw.com]  
**Sent:** Monday, January 25, 2016 6:36 PM  
**To:** Loyst Fletcher, Jr. & Associates <fletcherwolfjc@msn.com>  
**Cc:** Steve Powell <scpowell@powellmurphylaw.com>  
**Subject:** Re: NEW PARADIGM PROMOTIONAL MARKETING LLC V. ACF GLOBAL IMPORTS LLC ET AL.

Mr. Fletcher,

I have had a busy schedule all day today and could not respond to your last minute request. Let s talk tomorrow afternoon if that is convenient for you.

Best Regards,

Keith Murphy

On Jan 25, 2016, at 10:22 AM, "Loyst Fletcher, Jr. & Associates"  
<fletcherwolfjc@msn.com> wrote:

Please review and advise.

Stephanie Percy, Assistant to Loyst Fletcher, Jr., Esq.  
Loyst Fletcher, Jr. & Associates  
718 Beach Street  
Flint, Michigan 48502-1105  
(810) 238-4410

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<LTR TO OC RE MOTION 1-25-16.pdf>

## Loyst Fletcher, Jr. & Associates

---

**From:** Loyst Fletcher, Jr. & Associates <fletcherwolfjc@msn.com>  
**Sent:** Thursday, January 28, 2016 12:06 PM  
**To:** 'Keith Murphy'  
**Subject:** RE: request to change conference call time

Good Afternoon -

Loyst can only do 4 pm. He is not available at 530.

Jen

-----Original Message-----

From: Keith Murphy [mailto:kmurphy@powellmurphylaw.com]  
Sent: Thursday, January 28, 2016 11:57 AM  
To: Loyst Fletcher, Jr. & Associates <fletcherwolfjc@msn.com>  
Cc: Steve Powell <scpowell@powellmurphylaw.com>  
Subject: Re: request to change conference call time

Hi Jenny,

We are out until 4:30 is 5:30 ok?

On Jan 28, 2016, at 11:45 AM, "Loyst Fletcher, Jr. & Associates"  
<fletcherwolfjc@msn.com>  
wrote:

> Mr. Murphy -

>

> Attorney Fletcher has a 430 appointment already, but he is available  
> at 4 pm. Please let me know if that time will work for you.

>

> Thank you.

>

> Jenny

>

> -----Original Message-----

> From: Keith Murphy [mailto:kmurphy@powellmurphylaw.com]  
> Sent: Thursday, January 28, 2016 11:41 AM  
> To: fletcherwolfjc@msn.com  
> Cc: Steve Powell <scpowell@powellmurphylaw.com>  
> Subject: request to change conference call time

>

> Hi Stephanie,

> Could you ask Mr. Fletcher if we could reschedule the conference call  
> for

> 4:30 p.m. today as a conflict has just arose and we cannot attend at

> 3:00 p.m.. Please let me know.

> Thanks,

> Keith



**Loyst Fletcher, Jr. & Associates**

---

**From:** Keith Murphy <kmurphy@powellmurphylaw.com>  
**Sent:** Thursday, January 28, 2016 2:05 PM  
**To:** Jr. & Associates Loyst Fletcher  
**Subject:** conference cal time change to 2:45 p.m. today

Hi Jen,

This e-mail sent to confirm that we will have rescheduled today's conference call and will now conduct the call at 2:45 p.m. today.

Thanks,

Keith Murphy

**LOYST FLETCHER, JR. & ASSOCIATES**

ATTORNEYS AT LAW  
718 BEACH STREET  
FLINT, MI 48502-1105

PHONE: (810) 238-4410

FAX: (810) 238-0726

January 29, 2016

***Via Email Only***

Keith M. Murphy  
Powell Murphy  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304

Re: New Paradigm Promotional Marketing, LLC vs. ACF Global Imports LLC et al.  
Case No: 14-11320  
Our File No: 4366

Dear Mr. Murphy,

As a follow-up to our telephone conference on January 28, 2016 at 2:45 p.m., due to another commitment you had we were unable to complete the scheduling conference and as I understand we will try to complete same on Monday, February 1, 2016. Please contact my secretary to schedule a time.

Also, I am satisfied as to your explanation regarding your reference to "Normand's attorney's admission..." To memorialize, you advised that I, the undersigned, am the attorney of which you are referencing. All of your responses for admission and responses to interrogatories are based solely on a statement that I provided you that Normand received a commission for sales to your client. As to your response to Request to Admit #7, #8 and #9 (Exhibit A attached herewith, Pgs 9-10), your responses are based solely on my statement that Normand was paid a commission.

Likewise, your response to Interrogatories #2 and #7 (Exhibit B attached herewith) are also based solely on the statement that I made that Normand was paid a commission for sales to the Plaintiff.

If the above is incorrect, please advise in writing and explain. Again, I am satisfied and do not intend to file a motion to compel on that issue. I do, however, intend to amend my witness list to include Attorney Keith Murphy as a witness as I believe I am entitled to cross examine on your responses.

Please advise on the time for Monday's continuation of our conference.

Sincerely,

LOYST FLETCHER, JR. & ASSOCIATES

LOYST FLETCHER, JR.  
Attorney at Law

LFJ/jl  
Enclosures

**LOYST FLETCHER, JR. & ASSOCIATES**

ATTORNEYS AT LAW  
718 BEACH STREET  
FLINT, MI 48502-1105

PHONE: (810) 238-4410

FAX: (810) 238-0726

February 2, 2016

***Via E-mail***

Powell Murphy  
Attn: Keith M. Murphy  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304

Re: New Paradigm Promotional Marketing, LLC vs. ACF Global Imports LLC et al.  
Case No: 14-11320  
Our File No: 4366

Dear Mr. Murphy,


I provide the enclosed information per our phone call. You may not rely on this information for any reason other than our settlement negotiations and we rely on all statutes and rules pertaining to settlement negotiation.

My client advises this is his 2014 joint return. He has no assets in his name alone. He owns his home and a rental property with his wife. Jointly he and his wife have less than \$1,500.00 in accounts. He is presently unemployed. You can see from the return that he had a total of \$61.00 in interest income. Basically, he had W2 wage income.

Additionally, you did not response to my emails, therefore I accept your conduct as a refusal to complete the conference call and will file my motion tomorrow.

Sincerely,

LOYST FLETCHER, JR. & ASSOCIATES

  
LOYST FLETCHER, JR.  
Attorney at Law

LFj/srp  
Cc: Peter Normand

# EXHIBIT E

P

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NEW PARADIGM PROMOTIONAL  
MARKETING, INC.,

Plaintiffs,

CASE NO: 14-11320

v

HON. JOHN CORBETT O'MEARA

ACF GLOBAL IMPORTS LLC,  
A New Hampshire limited liability company,  
ALL CUSTOM FOCUS GLOBAL IMPORTS,  
LLC., a California limited liability company,  
DHAMEJA R. KUMAR, an individual,  
PETER NORMAND, an individual,  
jointly and severally,

Defendants.

Powell Murphy  
By: Steven C. Powell (P39433)  
Keith M. Murphy (P47175)  
Attorneys for Plaintiff  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304  
Tel: (248) 723-4390  
Fax: (248) 723-4391  
[scpowell@powellmurphylaw.com](mailto:scpowell@powellmurphylaw.com)  
[kmurphy@powellmurphylaw.com](mailto:kmurphy@powellmurphylaw.com)

Barry A. Wolf, Attorney at Law, PLLC  
By: Barry A. Wolf (P40709)  
Attorney for Defendants  
Mott Foundation Building  
503 S. Saginaw Street, Suite 1410  
Flint, MI 48502  
Tel: (810) 762-1084  
Fax: (810) 244-1650  
[bwolf718@msn.com](mailto:bwolf718@msn.com)

Loyst Fletcher, Jr. & Associates  
By: Loyst Fletcher, Jr. (P29799)  
Attorney for Peter Normand  
718 Beach Street  
Flint, MI 48502  
Tel: (810) 238-4410  
Fax: (810) 238-0726  
[fletcherwolfjc@msn.com](mailto:fletcherwolfjc@msn.com)

**PROOF OF SERVICE**

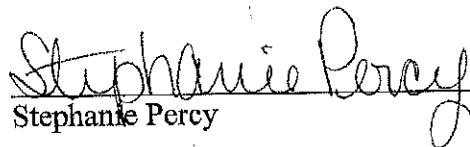
Stephanie Percy, states that on the 23<sup>rd</sup> day of June, 2015, I did serve a copy of  
**DEFENDANT PETER NORMAND'S FIRST SET OF INTERROGATORIES TO**  
**PLAINTIFF, DEFENDANT PETER NORMAND'S FIRST SET OF REQUEST FOR**

**PRODUCTION OF DOCUMENTS TO PLAINTIFF, and DEFENDANT PETER**

**NORMAND'S FIRST REQUEST FOR ADMISSIONS TO PLAINTIFF**, along with this

~~Proof of Service regular mail upon Steven C. Powell, Esq. & Keith M. Murphy, 40701~~

Woodward Ave., Suite 301, Bloomfield Hills, MI 48304 and Barry A. Wolf, Mott Foundation Building, 503 S. Saginaw Street, Suite 1410, Flint, MI 48502 by enclosing same in completely addressed envelope to the address captioned above, with fully prepaid postage and by depositing the same in the U.S. Mail receptacle in the City of Flint.

  
Stephanie Percy

# EXHIBIT F

6

**POWELL MURPHY**  
40701 WOODWARD AVENUE, SUITE 301  
BLOOMFIELD HILLS, MICHIGAN 48304

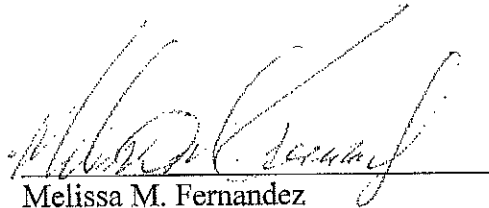
KENNETH MURPHY

TELEPHONE: (248) 723-4390  
FACSIMILE: (248) 723-4391  
KMURPHY@POWELLMURPHYLAW.COM

**PROOF OF SERVICE**

The undersigned certifies and declares that on August 7, 2015, she served a copy of Plaintiff's Response to Defendant Normand's First Set of Requests to Admit, Interrogatories and Document Requests, upon all other counsel of record via U.S. First Class Mail to their respective address as depicted in the above caption.

I declare that the foregoing is true to the best of my information, knowledge and belief.

  
Melissa M. Fernandez

AUG 12 2015



# EXHIBIT G

**LOYST FLETCHER, JR. & ASSOCIATES**

ATTORNEYS AT LAW  
718 BEACH STREET  
FLINT, MI 48502-1105

PHONE: (810) 238-4410

FAX: (810) 238-0726

November 30, 2015

*Via UPS Overnight*

Powell Murphy  
Attn: Steven C. Powell & Keith M. Murphy  
40701 Woodward Ave., Suite 301  
Bloomfield Hills, MI 48304

Re: New Paradigm Promotional Marketing, LLC vs. ACF Global Imports LLC et al.  
Case No: 14-11320  
Our File No: 4366

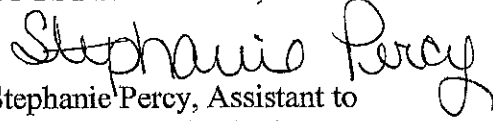
Dear Mr. Powell & Mr. Murphy,

Enclosed herewith are discovery documents with bates numbers in regards to the above-identified matter.

If you have any questions, please contact our office.

Sincerely,

LOYST FLETCHER, JR. & ASSOCIATES

  
Stephanie Percy, Assistant to  
LOYST FLETCHER, JR.  
Attorney at Law

LFj/srp  
Enclosures  
Cc: Peter Normand